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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,926	03/15/2000	Richard A. Smith	62-184	9870

7590 11/27/2001

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EXAMINER

KUPSTAS, TOD A

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

TvR

TJR

<b>Office Action Summary</b>	<b>Application No.</b> 09/525,926	<b>Applicant(s)</b> SMITH ET AL.	
	<b>Examiner</b> Kupstas	<b>Art Unit</b> 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-30 and 32-38 is/are rejected.
- 7) ☒ Claim(s) 12 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                                              |                                                                             |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 9, 20-24, 26, 28, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark (US 5,960,074).

As set forth in claims 1 and 20, Clark discloses a method and apparatus for providing access to a channel of an Internet Relay Chat group to a mobile device, comprising: placing a mobile chat proxy server (103A) in a communication path between a standard Internet Relay Chat server and a wireless gateway server supporting said mobile device; see col. 5, lines 45-59, wherein said mobile chat proxy server forwards chat commands from said mobile device to said standard Internet Relay Chat server; see col. 5, lines 8-16. (The system Clark uses a proxy server for access by a cellular phone, this proxy server will then connect to the Internet and the server located there).

As set forth in claims 2 and 21, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said access includes participation in said channel by said mobile device; cellular phone col. 5, line 59.

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As set forth in claims 3 and 22 Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein the mobile device comprises a mobile telephone; see col. 5, line 59.

As set forth in claims 4 and 23, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein the mobile telephone is a mobile originated telephone with respect to said accessed channel of said Internet Relay chat group; see col. 5, lines 55-60.

As set forth in claims 5 and 24, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said mobile chat proxy server interprets Internet Relay Chat commands from said mobile device (acts a gateway provides downloading and uploading from IRC).

As set forth in claims 7 and 26, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said mobile chat proxy server passes communications with said mobile device through an Interworking Function interface in a direction toward said mobile device; see fig 1.

As set forth in claims 9 and 28, Clark discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device: including wireless Internet gateway between said mobile chat proxy server and said mobile device; see col. 5, lines 55-60, col. 5, lines 9-16.

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As set forth in claims 11 and 30, Clark discloses a method of providing access to a channel of an Internet relay chat group to a mobile device comprising summoning at least one other mobile device to join said Internet Relay Chat group (inherent in chat systems that a request to another can be made can be made).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8, 10, 25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Holmes et al. (US 6,178,331).

Clark does not disclose using SMPP or a short message system controller. Holmes discloses having a wireless system wherein both SMPP and a short message system controller is used; see col. 3, lines 19-24, and col. 11, 16-65. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Clark, with either SMPP or a short message system controller, as taught by Holmes. The rationale is as follows: It would have been desirable to have used standard protocols for sending messages. As teaches the desirability of using SMPP and a short message system controller in a wireless system,

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one of ordinary skill would have been motivated by Holmes's teaching to have provided the system of Clark with these protocols thereby having provided various standardized languages for use in the system.

5. Claims 13-17, 19, 32-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark.

As set forth in claims 13 and 32, Crane discloses a method and apparatus for handling chat group commands between a mobile device and a chat group server, said method comprising:; and forwarding standard chat group commands based on chat group commands to said chat group server. examining non-standard chat group commands transmitted by a mobile device; see col. 5, lines 8-16 and col. 5, lines 45-59.

As set forth in claims 13, 16, 32 and 35, Clark does not disclose having translating means for taking non-standard chat group commands to standard IRC protocol. Having a translating protocol stack in a system is old and notorious in the art. Providing a system with translation means for converting non-standard messages to standard messages would have been standard practice for one of ordinary skill in the art. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Clark, with a translating protocol stack. The rationale is as follows: It would have been desirable to have provided a system with the means to converse with multiple systems. One of ordinary skill would have been motivated by the need to utilize different protocols to have provided the system of

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Clark with translation means, thereby having provided the system with the capability to communicate with multiple users.

As set forth in claims 14 and 33 , Crane discloses a method and apparatus handling chat group commands between a mobile device and a chat group server wherein said chat group server is an IRC server; see col. 5, lines 45-54.

As set forth in claims 15 and 34, Crane discloses a method and apparatus for handling chat group commands between a mobile device and a chat group server said standard chat commands are standard IRC commands (the IRC protocol).

As set forth in claims 17 and 36, Crane discloses a method and apparatus for handling chat group commands between a mobile device and a chat group server comprising: intercepting said chat group commands from said mobile device before reception by said chat group server (proxy server); see col. 5, lines 8-15.

As set forth in claims 19 and 38, Crane discloses a method and apparatus for handling chat group commands between a mobile device and a chat group server said chat commands are IRC commands (the IRC protocol).

6. Claims 18 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of King (US 6,317,831).

As set forth in claims 18 and 37, Clark does not disclose having means for validating a user of said mobile device before forwarding the chat commands to the chat group server. King discloses a secure transmission means that enable validation during the initial handshake; see col.

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8, lines 19-29. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Clark, with security means as taught by King. The rationale is as follows: It would have been desirable to have insured that a user of the system was not abusing the system or misusing an account. As King teaches the desirability of utilizing a security system for a wireless system, one of ordinary skill would have been motivated by Kings's teaching to have provided security means to the system of Clark, thereby providing secure means for communicating information.

***Allowable Subject Matter***

7. Claims 12 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 305-2701. Any inquiry of a general nature or relating to the status of this application or



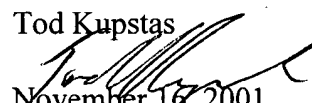
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proceeding should be directed to the technology center receptionist whose telephone number is  
(703) 305-3900.

Tod Kupstas

  
November 16, 2001

  
GLENTON B. BURGESS  
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